

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R09-9
TIERED APPROACH TO CORRECTIVE) (Rulemaking-Land)
ACTION OBJECTIVES)
(35 Ill. Adm. Code 742))
)

RECEIVED
CLERK'S OFFICE
OCT 21 2010
STATE OF ILLINOIS
Pollution Control Board

NOTICE

Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(Via First Class Mail)

Mitchell Cohen
Chief Legal Counsel
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271
(Via First Class Mail)

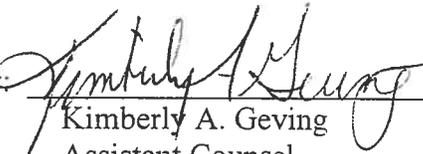
Matt Dunn
Environmental Enf/Asbestos
Office of the Attorney General
Litigation Division
69 W. Washington Street, 18th Floor
Chicago, Illinois 60602
(Via First Class Mail)

Richard McGill
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(Via First Class Mail)

Participants on the Service List
(Via First Class Mail)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the Illinois Environmental Protection Agency's ("Illinois EPA") Motion to Voluntarily Withdraw Proposal a copy of each of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Kimberly A. Geving
Assistant Counsel
Division of Legal Counsel

DATE, October 19, 2010

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MOTION TO VOLUNTARILY WITHDRAW PROPOSAL

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by and through one of its attorneys, Kimberly Geving, and pursuant to 35 Ill. Adm. Code 101.500, moves the Illinois Pollution Control Board (“Board”) to grant Illinois EPA’s Motion to Voluntarily Withdraw the entire docket in R09-9 (including the portion that was put on an order of stay in November 2009).

In support of its motion, Illinois EPA states that, as a matter of fact, since the Board granted the Illinois EPA’s Motion To Stay Proceedings back in November 2009 to allow Illinois EPA time to address USEPA’s concerns on the indoor inhalation portion of it proposal, substantial changes have been made to the provisions concerning indoor inhalation. Illinois EPA now believes it has developed a new proposal that will effectively address all of USEPA’s concerns to their satisfaction. However, because more than two years has now elapsed since the Illinois EPA initially proposed its amendments in docket R09-9 (filed September 2, 2008), the amendments in the remainder of the proposal are now out of date and in need of further amendment.

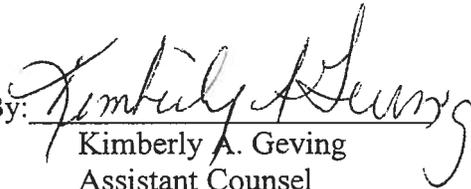
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STATE OF ILLINOIS
Division of Legal Counsel

The purpose of this motion is to request that the Board grant the Illinois EPA's Motion to Voluntarily Withdraw the Proposal in its entirety so that the Illinois EPA may resubmit a new proposal at a later time. It is Illinois EPA's intent to imminently file a new regulatory proposal addressing only the indoor inhalation provisions. Any additional amendments to Part 742 would follow at some later date.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant its Motion to Voluntarily Withdraw Proposal.

Respectfully submitted,

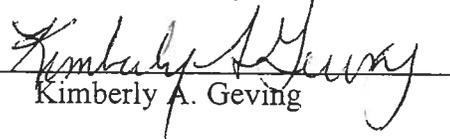
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Kimberly A. Geving
Assistant Counsel
Division of Legal Counsel

CERTIFICATION STATEMENT

In accordance with 35 Ill. Adm. Code 101.504 and under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

By:


Kimberly A. Geving

DATED: October 19, 2010

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Motion to Voluntarily Withdraw Proposal upon the persons to whom they are directed, by placing a copy of each in an envelope addressed to:

Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

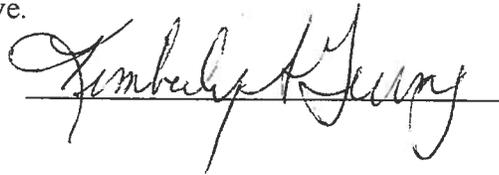
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Chief Legal Counsel
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Matt Dunn
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69 W. Washington Street, 18th Floor
Chicago, Illinois 60602

Richard McGill
Hearing Officer
Illinois Pollution Control Board
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100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Participants on the Service List

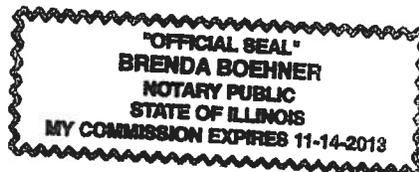
and mailing them First Class Mail from Springfield, Illinois on October 19, 2010, with sufficient postage affixed as indicated above.



SUBSCRIBED AND SWORN TO BEFORE ME

This 19th day of October, 2010.


Notary Public



<ul style="list-style-type: none"> Kimberly A. Geving - Assistant Counsel 	P.O. Box 19276		9807
IEPA Petitioner <ul style="list-style-type: none"> Kimberly A. Geving - Assistant Counsel 	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794-9276	217/782-5544 217/782-9807
Hodge Dwyer & Driver Complainant <ul style="list-style-type: none"> Katherine D. Hodge Monica T. Rios 	3150 Roland Avenue Post Office Box 5776	Springfield IL 62705-5776	217/523-4900 217/523-4948
Mayer, Brown LLP Interested Party <ul style="list-style-type: none"> Kevin G. Desharnais 	71 South Wacker Drive	Chicago IL 60606-4637	312/782-0600 312/701-7711
EPI Interested Party <ul style="list-style-type: none"> Bob Mankowski 	16650 South Canal	South Holland IL 60473	
Illinois Environmental Regulatory Group Interested Party <ul style="list-style-type: none"> Alec M. Davis 	215 East Adams Street	Springfield IL 62701	217/522-5512 217/522-5518
Chemical Industry Council of Illinois Interested Party <ul style="list-style-type: none"> Lisa Frede 	1400 East Touhy Avenue Suite 110	DesPlaines IL 60019-3338	
Bellande & Sargis Law Group, LLP Interested Party <ul style="list-style-type: none"> Mark Robert Sargis 	19 South LaSalle Street Suite 1203	Chicago IL 60603	312/853-8701 312/853-8702
Hanson Engineers, Inc. Interested Party <ul style="list-style-type: none"> Tracy Lundein 	1525 South Sixth Street	Springfield IL 62703-2886	217/788-2450 217/788-2503
Conestoga-Rovers & Associates Interested Party <ul style="list-style-type: none"> Douglas G. Soutter 	8615 West Bryn Mawr Avenue	Chicago IL 60631	773/380-9933 773/380-6421
Office of the Attorney General Interested Party	Environmental Bureau 69 W. Washington, 18th Floor	Chicago IL 60602	312/814-0660 312/814-2347

<ul style="list-style-type: none"> Matthew J. Dunn - Division Chief 			
<u>Navy Facilities and Engineering Command</u> Interested Party <ul style="list-style-type: none"> Mark Schultz - Regional Environmental Coordinator 	201 Decatur Avenue Building 1A	Great Lakes IL 60088-2801	847/688-2600 847/688-2319
<u>Illinois Pollution Control Board</u> Interested Party <ul style="list-style-type: none"> - Clerk of the Board Richard McGill - Hearing Officer 	100 W. Randolph St. Suite 11-500	Chicago IL 60601	312/814-3620 312/814-3669
<u>Commonwealth Edison</u> Interested Party <ul style="list-style-type: none"> Diane H. Richardson 	10 South Dearborn Street 35FNW	Chicago IL 60603	
<u>Clayton Group Services</u> Interested Party <ul style="list-style-type: none"> Monte Nienkerk 	3140 Finley Road	Downers Grove IL 60515	
<u>Weaver Boos & Gordon</u> Interested Party <ul style="list-style-type: none"> Elizabeth Steinhour 	2021 Timberbrook Lane	Springfield IL 62702	
<u>Andrews Environmental Engineering</u> Interested Party <ul style="list-style-type: none"> Kenneth W. Liss 	3300 Ginger Creek Drive	Springfield IL 62711	
<u>Missman Stanley & Associates</u> Interested Party <ul style="list-style-type: none"> Jeffrey Larson John W. Hochwarter 	333 East State Street	Rockford IL 61110-0827	
<u>Trivedi Associates, Inc.</u> Interested Party <ul style="list-style-type: none"> Chetan Trivedi 	2055 Steeplebrook Court	Naperville IL 60565	
<u>Illinois Department of Natural Resources</u> Interested Party	One Natural Resources Way	Springfield IL 62702-1271	217/782-1809 217/524-

<ul style="list-style-type: none"> • Mitchell Cohen - General Counsel • Stan Yonkauski 			9640
Suburban Laboratories, Inc. Interested Party <ul style="list-style-type: none"> • Jarrett Thomas - V.P. 	4140 Litt Drive	Hillside IL 60162	708-544-3260
Illinois Department of Transportation Interested Party <ul style="list-style-type: none"> • Steven Gobelman 	2300 S. Dirksen Parkway Room 302	Springfield IL 62764	
McGuire Woods LLP Interested Party <ul style="list-style-type: none"> • David Rieser 	77 W. Wacker Suite 4100	Chicago IL 60601	312/849-8100
Reott Law Offices, LLC Interested Party <ul style="list-style-type: none"> • Jorge T. Mihalopoulos • Raymond T. Reott 	35 East Wacker Drive Suite 650	Chicago IL 60601	312/332-7544
Environmental Management & Technologies, Inc. Interested Party <ul style="list-style-type: none"> • Craig Gocker - President 	3010 Gill Street	Bloomington IL 61704	309/661-2300 309661-2306
Chicago Department of Law Interested Party <ul style="list-style-type: none"> • Charles A. King - Assistant Corporation Counsel 	30 N. LaSalle Street Suite 900	Chicago IL 60602	312/742-3990 312/744-6798
SRAC Interested Party <ul style="list-style-type: none"> • Harry Walton 	2510 Brooks Drive	Decatur IL 62521	
Burns & McDonnell Engineering Company, Inc. Interested Party <ul style="list-style-type: none"> • Lawrence L. Fieber - Principal 	210 South Clark Street, Suite 2235 The Clark Adams Building	Chicago IL 60603	6306751625

Total number of participants: 28

Notice List

Party Name	Address	City/State/Zip	Phone/Fax
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